

## **REMARKS**

The Notice of Non-Compliant Amendment dated September 17, 2009, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claims 1-4 and 6-26 were pending before this amendment. Claims 2 and 11-23 are withdrawn from consideration. By this amendment, claims 1, 4, 6 and 26 are amended and a new claim 27 is added. Thus, upon entry of this Amendment, claims 1-4 and 6-27 will be pending in this application. Support for the amendments can be found in the Specification and claims as originally filed. Applicants submit that no new matter has been added. Support for new claim 27 can be found in the Specification, for example, on page 8, line 20 through page 9, line 3 and on page 13, lines 8-11. Applicants respectfully request reconsideration and withdrawal of the pending objections and rejections.

### **I. Objection to the Specification**

The Specification is objected to because the term synthesis is spelled as "sinthesis" on page 18, line 13 (Example 2A) of the Specification. Applicants have amended the Specification to correct this error. Accordingly, Applicants request withdrawal of the objection to the Specification.

### **II. Rejections under 35 U.S.C. §112, second paragraph**

Claims 1, 6 and 26 are rejected under 35 U.S.C. §112, second paragraph for indefiniteness.

The Examiner states that claim 1 is allegedly indefinite because claim 1 recites R as the radical of a pharmacologically active compound (V); however, the Examiner alleges that (V) is not identified in the claim. Applicants submit that this rejection appears to be due to a formatting error. Applicants have amended claim 1 to identify radical (V) more clearly.

Claims 6 and 26 are rejected for allegedly lacking antecedent basis. Applicants submit that they have amended claim 6 to depend solely from claim 4 to overcome this rejection. Claim 26 has been amended to replace "formula (B)" with "formula (C)." The recitation of "formula (C)" has sufficient antecedent basis in claim 4. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 6 and 26 under 35 U.S.C. §112, second paragraph.

### III. Rejection under 35 U.S.C. §103(a)

Claim 6 is rejected under 35 U.S.C. §103(a) for being allegedly obvious over Del Soldato et al. (U.S. Patent No. 5,861,426, hereinafter "Del Soldato"). Applicants note that the Office Action on page 3, lines 1-4 states that the 35 U.S.C. §103(a) rejection of claim 1 has been withdrawn in view of the amendments to claim 1 and the arguments submitted on November 25, 2008.


Applicants have amended claim 6 to depend solely from allowed independent claim 4. Accordingly, applicants respectfully request reconsideration and withdrawal of the outstanding §103(a) rejection over Del Soldato.

### CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this response is not timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any other additional fees which may be required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00061.

Respectfully submitted,



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